

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS LEPRE

v.

UNITED STATES OF AMERICA

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Civil No. 1:19cv934-HSO
Criminal No. 1:16cr61-HSO-JCG

**ORDER DENYING 28 U.S.C. § 2255
MOTION WITHOUT PREJUDICE**

BEFORE THE COURT is the Application for Habeas Corpus [63] filed by Defendant Thomas Lepre, which the United States District Court for the Middle District of Alabama has construed as a Motion brought pursuant to 28 U.S.C. § 2255 and has transferred to this Court. *See* Order [62] at 1. Lepre's Motion [63] does not conform to the requirements of Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts ("§ 2255 Rules") in that it is not in substantially the form annexed to the Rules, and it was not signed under penalty of perjury. The Court will therefore deny Lepre's Motion [63] without prejudice.

The Court notes that it has previously denied without prejudice an attempted § 2255 Motion [49] filed by Lepre on this same basis. The Court directed the Clerk of Court to furnish Lepre with the appropriate forms and warned him that any future § 2255 motion must conform to the requirements of the § 2255 Rules. *See*

Order [50] at 2-3. In filing the present Motion, Lepre has ignored the Court's instructions.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Application for Habeas Corpus [63] filed by Defendant Thomas Lepre, which the United States District Court for the Middle District of Alabama has construed as a Motion brought pursuant to 28 U.S.C. § 2255 and has transferred to this Court, is **DENIED WITHOUT PREJUDICE**.

SO ORDERED AND ADJUDGED, this the 16th day of December, 2019.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE